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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MATTHEW JAMES LINDSEY,
11 ESQ.,

12 Plaintiff,

13 v.

14 DAVID SHORE, et al.,

15 Defendants.

CASE NO. C17-1841JLR

ORDER DISMISSING ACTION

16 **I. INTRODUCTION**

17 Before the court are (1) *pro se* Plaintiff Matthew James Lindsey, Esq.’s¹ complaint
18 against various defendants (Compl. (Dkt. # 4)), and (2) Magistrate Judge Brian A.
19 Tsuchida’s order granting Mr. Lindsey *in forma pauperis* (“IFP”) status and
20 recommending that the court review Mr. Lindsey’s complaint pursuant to 28 U.S.C.

21 ¹ In the caption to his complaint, Mr. Lindsey refers to himself as Matthew James
22 Lindsey, Esq. (Compl. at 1; *see also id.* at 6.) However, in the body of his complaint, Mr.
Lindsey also refers to himself as Matthew James Lindsey Shore. (*See id.* at 1, 3.)

1 § 1915(e)(2)(B) (IFP Order (Dkt. #3) at 1). Under 28 U.S.C. § 1915(e), district courts
2 have authority to review IFP complaints and must dismiss them if “at any time” it is
3 determined that a complaint is frivolous, malicious, fails to state a claim on which relief
4 may be granted, or seeks monetary relief from a defendant who is immune from such
5 relief. 28 U.S.C. § 1915(e)(2); *Lopez v. Smith*, 203 F.3d 1122, 1126 n.7 (9th Cir. 2000)
6 (clarifying that “section 1915(e) applies to all [IFP] complaints,” not just those filed by
7 prisoners). As discussed below, Mr. Lindsey’s complaint falls within the category of
8 pleadings that the court must dismiss.

9 **II. BACKGROUND**

10 Mr. Lindsey brings suit against several individuals, including: Defendants David
11 Shore, Carmencita Coranado, Stella Coranado, and Jacob Shore (collectively,
12 “Defendants”). (Compl. at 2.) Mr. Lindsey alleges that the court has subject matter
13 jurisdiction over his claims based on diversity of citizenship under 28 U.S.C. § 1332. (*Id.*
14 at 3.) He alleges that the amount in controversy is \$615,000.00. (*Id.* at 4.) He also
15 alleges that he is a citizen of Washington State and that Ms. Carmencita Coranado is a
16 citizen of California. (*Id.* at 3.) He further alleges California addresses for Mr. David
17 Shore, Ms. Carmencita Coranado, and Ms. Stella Coranado. (*Id.* at 2.) Mr. Lindsey fails
18 to allege an address, residence, or state citizenship for Mr. Jacob Shore.

19 Mr. Lindsey’s factual allegations are sparse. His claims apparently involve the
20 settlement of an estate. (*See id.* at 5.) He alleges that the events giving rise to his claim
21 occurred in 1999 in Martinez, California. (*Id.* at 4.) He further alleges that “[t]he
22 administrators and attorney’s [sic] failed to give notice and obtain consent for the

1 compensations and disbursements to the ‘Existing Beneficiaries’ of the ‘Estate of Marvel
2 Shore.’” (*Id.*) He does not identify who the administrators, attorneys, or existing
3 beneficiaries are. (*See generally id.*) He further alleges that “[t]he beneficiaries are
4 requesting that the venue be changed to the state of residency of the remaining
5 beneficiaries.” (*Id.*) He does not allege why the beneficiaries’ request to change venue
6 gives rise to a legal claim. (*See generally id.*) Finally, he alleges that “[i]t has been
7 almost 20 years in default, and unsettled.” (*Id.*) The court presumes that this allegation
8 refers to the Estate of Marvel Shore (“the Estate”), but Mr. Lindsey never alleges what
9 his connection, if any, is to the Estate, why the Estate is “in default,” why the Estate
10 remains “unsettled,” or why any of these circumstances give rise to a claim entitling him
11 to relief. (*See generally id.*) Mr. Lindsey alleges no other facts concerning his possible
12 claim or claims. (*See generally id.*)

13 **III. ANALYSIS**

14 **A. Subject Matter Jurisdiction**

15 The party invoking jurisdiction must allege facts that establish the court’s subject
16 matter jurisdiction. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992); *see also*
17 Fed. R. Civ. P. 8(a)(1) (“A pleading that states a claim for relief must contain . . . a short
18 and plain statement of the grounds for the court’s jurisdiction.”). Further, the court has
19 an independent obligation to assess whether it has subject matter jurisdiction over a case.
20 *See Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 1116 (9th Cir. 2004) (noting that district
21 courts are “obligated to consider *sua sponte* whether [they] have subject matter
22

jurisdiction”). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3).

Mr. Lindsey asserts that the court has subject matter jurisdiction over his claims based on 28 U.S.C. § 1332. (Compl. at 3.) A federal court’s diversity jurisdiction extends to “all civil actions where the matter in controversy exceeds . . . \$75,000 . . . and is between . . . citizens of different States.” 28 U.S.C. § 1332(a)(1). Federal diversity jurisdiction requires complete diversity of citizenship between the parties, where each of the plaintiffs is a citizen of a different state than each of the defendants. *See Morris v. Princess Cruises, Inc.*, 236 F.3d 1061, 1067 (9th Cir. 2001). Because Mr. Lindsey has failed to allege the state citizenship or residency of Mr. Jacob Shore, the court cannot determine if the state of citizenship for each of the defendants is different from Mr. Lindsey’s state of citizenship. Accordingly, the court cannot establish its jurisdiction and must dismiss Mr. Lindsey’s complaint.

B. Dismissal under 28 U.S.C. § 1915(e)(2)(B)

Section 1915(e)(2)(B) of Title 28 authorizes a district court to dismiss an IFP complaint “at any time” if the court determines: (1) the action is frivolous or malicious; (2) the action fails to state a claim; or (3) the action seeks relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). Section 1915(e)(2) parallels the language of Federal Rules of Civil Procedure 12(b)(6). *Lopez*, 203 F.3d at 1126-27. The complaint therefore must allege facts that plausibly establish the defendant’s liability. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007). An IFP complaint must contain factual allegations “enough to raise a right to relief above the speculative level.”

1 *Id.* at 555. An IFP complaint must also comply with the pleading requirements of Rule 8,
2 which requires “a short and plain statement of the claim showing that the pleader is
3 entitled to relief.” *See* Fed. R. Civ. P. 8(1)(2). Although Rule 8’s pleading standard does
4 not require “detailed factual allegations,” it demands more than “an unadorned,
5 the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678
6 (2009) (citing *Twombly*, 550 U.S. at 555).

7 Even liberally construed, Mr. Lindsey’s factual allegations are wholly inadequate
8 to plausibly establish the defendants’ liability and or raise Mr. Lindsey’s “right to relief
9 above the speculative level.” *See Twombly*, 550 U.S. at 555. Although his complaint
10 appears to involve the settlement of an estate (*see generally* Compl.), there is no way for
11 either the court or Defendants to discern the nature of Mr. Lindsey’s claims based on his
12 sparse allegations. Any such attempt would be mere speculation. Mr. Lindsey’s
13 complaint must “contain sufficient allegations of underlying facts to give fair notice and
14 to enable the opposing party to defend itself effectively.” *See Starr v. Baca*, 652 F.3d
15 1202, 1216 (9th Cir. 2011). Mr. Lindsey’s complaint fails to accomplish this
16 requirement. Although his complaint does not need detailed factual allegations, in order
17 to overcome the foregoing deficiencies, he must allege sufficient factual matter to place
18 Defendants on notice of what his claim is and the grounds upon which it rests. *Twombly*,
19 550 U.S. at 555-56. Because Mr. Lindsey fails to do so, the court concludes that Mr.
20 Lindsey’s complaint fails to state a claim against Defendants, and the court dismisses his
21 complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(2).
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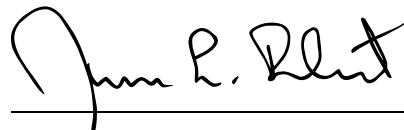
1 **C. Leave to Amend the Complaint**

2 When a court dismisses a *pro se* plaintiff's complaint, the court must give the
3 plaintiff leave to amend unless it is absolutely clear that amendment could not cure the
4 defects in the complaint. *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995).
5 Thus, the court grants Mr. Lindsey fourteen (14) days to file an amended complaint that
6 corrects the deficiencies identified herein. If Mr. Lindsey fails to timely comply with this
7 order or fails to file an amended complaint that remedies the aforementioned deficiencies,
8 the court will dismiss his complaint without leave to amend.

9 **IV. CONCLUSION**

10 For the foregoing reasons, the court DISMISSES Mr. Lindsey's complaint for
11 failure to allege facts establishing grounds for the court's subject matter jurisdiction and
12 for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(2). The court, however,
13 GRANTS Mr. Lindsey leave to file an amended complaint with fourteen (14) days of the
14 filing of this order.

15 Dated this 12th day of January, 2018.

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18 JAMES L. ROBART
19 United States District Judge
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